

# Senate File 2005 - Introduced

SENATE FILE \_\_\_\_\_  
BY KIBBIE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing a method for the acquisition of title to  
2 abandoned vacant lots by cities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5052XS 82  
5 md/sc/8

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1 1 Section 1. Section 657A.1, subsection 1, Code 2007, is  
1 2 amended to read as follows:

1 3 1. "Abandoned" or "abandonment" means one or more of the  
1 4 following:

1 5 a. ~~that~~ That a building has remained vacant and has been  
1 6 in violation of the housing code of the city in which the  
1 7 property is located or the housing code applicable in the  
1 8 county in which the property is located if outside the limits  
1 9 of a city for a period of six consecutive months.

1 10 b. That a building has been declared by a court to be  
1 11 abandoned or in an unsafe condition pursuant to section 657A.2

1 12 or that a building has been declared by a court to be  
1 13 abandoned pursuant to section 657A.10A.

1 14 c. That a vacant lot has been declared by a court to be  
1 15 abandoned pursuant to section 657A.10B.

1 16 Sec. 2. Section 657A.1, Code 2007, is amended by adding  
1 17 the following new subsection:

1 18 NEW SUBSECTION. 8. "Vacant lot" means a lot or parcel of  
1 19 property that is located within the limits of a city, that  
1 20 contains no buildings or structures, and that is zoned to  
1 21 allow for residential or commercial structures. "Vacant lot"  
1 22 does not include property zoned for residential or commercial  
1 23 use currently in use as farmland.

1 24 Sec. 3. NEW SECTION. 657A.10B PETITION BY CITY FOR TITLE  
1 25 TO ABANDONED VACANT LOT.

1 26 1. A city in which an abandoned vacant lot is located may  
1 27 petition the court to enter judgment awarding title to the  
1 28 vacant lot to the city. The owner of the vacant lot,  
1 29 mortgagees of record, lienholders of record, or other known  
1 30 persons who hold an interest in the vacant lot shall be named  
1 31 as respondents on the petition.

1 32 The petition shall be filed in the district court of the  
1 33 county in which the vacant lot is located. Service on the  
1 34 owner and any other named respondents shall be by certified  
1 35 mail. The city shall also cause a notice to be published in a  
2 1 newspaper of general circulation in the city where the vacant  
2 2 lot is located once each week for three consecutive weeks  
2 3 following the filing of the petition. The action shall be in  
2 4 equity.

2 5 2. Not sooner than sixty days after the filing of the  
2 6 petition, the city may request a hearing on the petition.

2 7 3. In determining whether the vacant lot has been  
2 8 abandoned, the court shall consider the following:

2 9 a. Whether any property taxes or special assessments on  
2 10 the property were delinquent at the time the petition was  
2 11 filed.

2 12 b. Whether any utilities are currently being provided to  
2 13 the property.

2 14 c. Whether local authorities have received complaints from  
2 15 neighboring landowners regarding the appearance or condition  
2 16 of the property.

2 17 d. Whether the condition of the property violates a city  
2 18 ordinance and how long the vacant property has been in  
2 19 violation of the ordinance.

2 20 e. Whether conditions exist on the property which create

2 21 an unreasonable risk to public health or safety.  
2 22 f. The presence of vermin, accumulation of debris and  
2 23 garbage, and uncut vegetation.  
2 24 g. The effort expended by the petitioning city to maintain  
2 25 the vacant lot.  
2 26 h. Past and current compliance with orders of local  
2 27 government authorities pertaining to the vacant lot.  
2 28 i. Any other evidence the court deems relevant.  
2 29 4. In lieu of the considerations in subsection 3, if the  
2 30 city can establish to the court's satisfaction that all  
2 31 parties with an interest in the vacant lot have received  
2 32 proper notice and either consented to the entry of an order  
2 33 awarding title to the vacant lot to the city or have had an  
2 34 opportunity to alleviate those conditions alleged by the city  
2 35 and have failed to do so, the court shall enter judgment  
3 1 against the respondents granting the city title to the vacant  
3 2 lot.

3 3 5. If the court determines that the vacant lot has been  
3 4 abandoned or that subsection 4 applies, the court shall enter  
3 5 judgment awarding title to the city. The title awarded to the  
3 6 city shall be free and clear of any claims, liens, or  
3 7 encumbrances held by the respondents.

#### 3 8 EXPLANATION

3 9 Currently, Code section 657A.10A allows a court to transfer  
3 10 title to a parcel of property containing an abandoned building  
3 11 to a petitioning city if the court finds the property to be  
3 12 abandoned under the factors listed in Code section  
3 13 657A.10A(3). This bill enacts new Code section 657A.10B  
3 14 allowing cities to petition the court to acquire title to  
3 15 certain abandoned vacant lots. The bill defines vacant lot as  
3 16 property that contains no buildings or structures and that is  
3 17 zoned to allow for residential or commercial structures.

3 18 The bill provides that a petition for title to an abandoned  
3 19 vacant lot is an action in equity and must be filed in the  
3 20 district court in which the property is located. The owner of  
3 21 the vacant lot and persons who hold an interest in the vacant  
3 22 lot will be given notice of the petition and be named as  
3 23 respondents. Not sooner than 60 days after the filing of the  
3 24 petition, the city may request a hearing on the petition. New  
3 25 Code section 657A.10B(3) lists factors that the court is to  
3 26 consider when determining whether the vacant lot has been  
3 27 abandoned.

3 28 The bill provides that if all parties with an interest in  
3 29 the vacant lot have received proper notice and either  
3 30 consented to the entry of an order awarding title to the  
3 31 vacant lot to the city or did not alleviate the conditions  
3 32 alleged by the petitioning city within 60 days after the  
3 33 filing of the petition, the court shall grant the city title  
3 34 to the vacant lot.

3 35 The bill further provides that if the court determines that  
4 1 the vacant lot has been abandoned, under Code section  
4 2 657A.10B(3), the court shall enter judgment awarding title to  
4 3 the city, and the title awarded to the city is free and clear  
4 4 of any claims, liens, or encumbrances held by the respondents.

4 5 LSB 5052XS 82

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